

STATE OF MICHIGAN
COURT OF APPEALS

In re HOOGEVEEN, Minors.

UNPUBLISHED
May 14, 2015

No. 324733
Kent Circuit Court
Family Division
LC Nos. 13-052273-NA;
13-052274-NA

Before: BECKERING, P.J., and MARKEY and SHAPIRO, JJ.

PER CURIAM.

Respondent-father appeals as of right the October 29, 2014 order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist) and (g) (failure to provide proper care and custody). We affirm.

“In order to terminate parental rights, the trial court must find by clear and convincing evidence that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met.” *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). A trial court must also find by a preponderance of the evidence that termination is in the children’s best interests before it can terminate parental rights. *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). On appeal, we review the trial court’s findings of fact for clear error. *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009).

On appeal, respondent only contests the trial court’s determination that termination was in the best interests of the minor children.¹ When deciding whether termination is in children’s best interests, the trial court may consider “the child[ren]’s bond to the parent, the parent’s parenting ability, the child[ren]’s need for permanency, stability, and finality, and the advantages of a foster home over the parent’s home[.]” *In re Olive/Metts Minors*, 297 Mich App 35, 41-42;

¹ As such, we presume that the trial court did not clearly err in finding that the unchallenged statutory grounds were established by clear and convincing evidence. *In re JS & SM*, 231 Mich App 92, 98-99; 585 NW2d 326 (1998), overruled in part on other grounds *In re Trejo Minors*, 462 Mich 341, 353; 612 NW2d 407 (2000). Moreover, we have reviewed the statutory grounds that the trial court relied upon to terminate respondent’s parental rights, and we find that termination was proper under MCL 712A.19b(3)(c)(i) and (g).

823 NW2d 144 (2012) (internal citations omitted). It is also proper to consider evidence that the children are not safe with the parent, are thriving in foster care, and that the foster care home can provide stability and permanency. *In re VanDalen*, 293 Mich App at 141.

Here, respondent did not share an appropriate parent-child bond with the children. The children were 2-1/2 years old and nine months old, respectively, when they were removed from respondent's care as a result of his substance abuse, domestic violence, poor parenting skills, and unsafe housing conditions. At the time of termination, the children had been in the care of their maternal grandparents for 14 months. Although the children loved respondent and were bonded to him, they did not ask about him when at the grandparents' home, and they looked to the grandparents—not respondent—to care for their needs. See *In re Olive/Metts Minors*, 297 Mich App at 41-42.

Additionally, the children were not safe in respondent's care given the unsafe conditions of his home. Petitioner continually reminded respondent of the unsafe conditions in his home, but he failed to rectify them during the proceedings. Those conditions included holes in the floor and walls of the home, exposed piping, trash, car parts, and tools strewn about parts of the home and in the backyard, a lack of railings by a stairwell, and issues with the windows. Respondent admitted that he "procrastinated" concerning the unsafe conditions, yet he also blamed petitioner for the lack of repairs, testifying at the termination hearing that he did not feel that he was "pushed enough" at the beginning of the proceedings. The caseworker testified that respondent acknowledged the safety concerns, but did not believe that he understood how easily a child could be harmed in his home. The caseworker also testified that her agency offered respondent services to assist him in repairing his home, but he declined them.

Respondent's behavior during the proceedings also raised concerns about his ability to look after the children's wellbeing in an appropriate manner. The record revealed that respondent was dishonest about his substance use and he tried to conceal from petitioner that he was charged with Operating a Vehicle While Intoxicated during the pendency of the proceedings. Further, respondent "nodded off" and sometimes fell asleep during parenting time visits. Additionally, respondent failed to address his anger issues. During parenting time, he raised his voice and became frustrated with the children, causing the caseworker to intervene at times. See *In re VanDalen*, 293 Mich App at 141.

Although respondent argues on appeal that he should have been provided additional time, when deciding best interests, we look at the best interests of *the minor children*, including their need for stability. See *In re Trejo Minors*, 462 Mich 341, 364; 612 NW2d 407 (2000). At the time of termination, the children were four years old and two years old, respectively, and they required permanency. Contrary to respondent's arguments on appeal, there is no indication that he would be able to provide permanency or stability to the children within a reasonable time in the future. Despite the children's bond to respondent, termination was in their best interests because he was unable to care for them properly. See *In re LE*, 278 Mich App 1, 29-30; 747 NW2d 883 (2008). The children were happy, healthy, and developing appropriately in the care of the grandparents, who provided the children with structure. See *In re VanDalen*, 293 Mich App at 141. The children were bonded to the grandparents, and the grandparents were interested in adopting them and their older half-brother. See *id.* The trial court did not clearly err in

finding that termination of respondent's parental rights was in the minor children's best interests.
In re HRC, 286 Mich App at 459.

Affirmed.

/s/ Jane M. Beckering
/s/ Jane E. Markey
/s/ Douglas B. Shapiro